

ORDINANCE NO. 2002-3363

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, DIVISION 3, SECTION 2-485 THEREOF ENTITLED "LIST OF EXPENDITURES; FEE DISCLOSURE; REPORTING REQUIREMENTS", BY REQUIRING DISCLOSURE OF LOBBYISTS' FEES; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2 entitled "Administration", Division 3 entitled "Lobbyists", Section 2-485 thereof is hereby amended to read as follows:

Sec. 2-485. List of expenditures; fee disclosure; reporting requirements.

(a) On October 1 of each year, lobbyists subject to lobbyist registration requirements shall submit to the city clerk a signed statement under oath as provided herein listing all lobbying expenditures in the city for the preceding calendar year. A statement shall be filed even if there have been no expenditures during the reporting period. The statement shall list in detail each expenditure by category, including food and beverage, entertainment, research, communication, media advertising, publications, travel, lodging and special events.

(b) Each lobbyist and his/her principal shall, before engaging in any lobbying activities, submit to the City Clerk a joint signed statement under oath disclosing the terms and amount of compensation (to be) paid by each principal to the lobbyist with regard to the specific issue on which the lobbyist has been engaged to lobby; each principal shall also, prior to the lobbying activities taking place, submit to the City Clerk a signed statement under oath disclosing the terms and amount of compensation (to be) paid to each lobbyist engaged by the principal with regard to the specific issue on which the lobbyist has been engaged to lobby. If no compensation has or will be paid concerning the subject lobby services, a statement shall nonetheless be filed reflecting as such.

(c) Any change to information originally filed shall require that the lobbyist ~~(or and~~ principal under subsection (b) above) file, within three business days from such changed circumstances, an amendment signed statement under oath amending to the above-referenced reports; additionally, in the event official action on the specific lobbied issue is scheduled to occur during said three day period, the lobbyist and principal shall, prior to said official action, further disclose the amendment by publicly stating on the record at which the official action is to occur the subject amendment. The lobbyist ~~(or and principal)~~ has have a continuing duty to supply accurate information and amend said reports when so needed.

~~(b)~~ (d) The city clerk shall notify any lobbyist (or principal) who fails to timely file ~~an~~ the expenditure or fee disclosure reports referenced in sections (a) and (b) above. In addition to any other penalties which may be imposed as provided in section 2-485.1, a fine of \$50.00 per day shall be assessed for reports filed after the due date.

~~(e)~~ (e) The city clerk shall notify the Miami-Dade County Commission on Ethics and Public Trust of the failure of a lobbyist (or principal) to file a either of the reports referenced above and/or pay the assessed fines after notification.

~~(d)~~ (f) A lobbyist (or principal) may appeal a fine and may request a hearing before the Miami-Dade Commission on Ethics and Public Trust. A request for a hearing on the fine must be filed with the Miami-Dade Commission on Ethics and Public Trust within 15 calendar days of receipt of the notification of the failure to file the required disclosure form. The Miami-Dade Commission on Ethics and Public Trust shall have the authority to waive the fine, in whole or in part, based on good cause shown.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION.

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

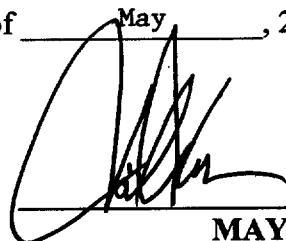
SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the 18th day of May, 2002.

PASSED and ADOPTED this 8th day of May, 2002.

ATTEST:


CITY CLERK

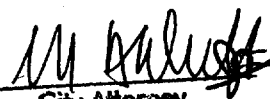

MAYOR

(Requested by Commissioner Matti Bower and Co-sponsored by Commissioners Simon Cruz, Jose Smith and Richard Steinberg)

Shaded language reflects changes between first and second reading.

JKO/kw
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**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

 4-18-02
City Attorney Date

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

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Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

DATE: MAY 8, 2002

TO: MAYOR DAVID DERMER,
MEMBERS OF THE CITY COMMISSION

FROM: MURRAY H. DUBBIN
CITY ATTORNEY

SECOND READING
PUBLIC HEARING

SUBJECT: AMENDMENTS TO MIAMI BEACH CITY CODE, CHAPTER 2, DIVISION 3,
GOVERNING "LOBBYISTS".

Pursuant to discussion held by the Miami Beach City Commission at its March 20, 2002 meeting, attached are three proposed amendments to the City Code governing lobbyists. Specifically, these proposals would 1) require the annual disclosure of lobbyists' compensation; 2) prohibit certain representations by lobbyists of third parties; and 3) prohibit lobbyist contingency fees.

The attached ordinances are in proper form and ready for City Commission review.

JKO/kw
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Attachments

Agenda Item RSC

Date 5-8-02